

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00043

DARRELL SPICER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On January 30, 2014, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Darrell Spicer, appeared in person and by his counsel, Mary Lou Newberger, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black. The defendant commenced a three-year term of supervised release in this action on September 7, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on October 26, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant committed the federal and state crime of simple possession of heroin, the defendant having been arrested on November 6, 2013, at which time he was found to be in possession of at least five bags of heroin with a total weight of 5.8 grams, and on November 15, 2013, he entered a plea of guilty in Kanawha County Magistrate Court to simple possession of heroin, for which he was ordered to pay a fine and court costs, and to forfeit his rights to his vehicle; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

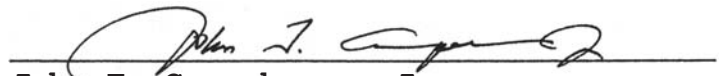
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of twenty-six (26) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 11, 2014

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John T. Copenhaver, Jr.  
United States District Judge